

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KURTIS E. ARMANN,)	
)	Civil Action No. 04-118(E)
Petitioner,)	
)	
v.)	Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
WARDEN, FCI McKEAN,)	
)	
Respondent.)	Filed electronically

**MOTION TO STAY EXECUTION
OF WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

AND NOW, comes Respondent, James Sherman, Warden, FCI McKean (“Respondent”), by his attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Wiegand, Assistant U.S. Attorney for said district, and respectfully requests the Court to stay the Writ of Habeas Corpus ad Testificandum previously issued in this matter. As grounds for this Motion, Respondent states the following:

1. On March 14, 2006, this Court granted Petitioner’s *Motion for Evidentiary Hearing*, and set the hearing for May 4, 2006, at 10:00 a.m. The following day, the Court issued a *Writ of Habeas Corpus ad Testificandum*, by which it directed the Warden of FCI McKean, Petitioner’s custodian, to produce Petitioner for the aforementioned hearing.

2. On March 28, 2006, Respondent filed an appeal of the Magistrate Judge’s March 14, 2006 Order granting the evidentiary hearing. That same day, Respondent filed a *Motion to Stay Evidentiary Hearing Pending Disposition of Appeal of Magistrate Judge’s Order*.

3. Respondent now respectfully moves this Court to stay the execution of its Writ of Habeas Corpus ad Testificandum pending disposition of Respondent's appeal. Production of Petitioner pursuant to a Writ of Habeas Corpus ad Testificandum requires considerable coordination and expense for the Bureau of Prisons, which effort will be for naught if Respondent's appeal is granted.

WHEREFORE, Respondent respectfully requests that the Court grant this Motion, and stay the execution of the Writ of Habeas Corpus ad Testificandum previously issued, until further notice by this Court.

A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/ Christy Wiegand
CHRISTY WIEGAND
Assistant U.S. Attorney
Western District of PA
United States Post Office and Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
(412) 644-3500

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have served this date a copy of the within *Motion to Stay Writ of Habeas Corpus ad Testificandum*, by mail or electronic filing, upon the following:

Thomas W. Patton
Federal Public Defender's Office
1001 State Street
1111 Renaissance Centre
Erie, PA 16501

s/ Christy Wiegand
CHRISTY WIEGAND
Assistant United States Attorney

Date: March 31, 2006